

A decision was rendered last Monday in the Supreme Court of the United States in the Virginia habeas corpus cases, concurred in by all the members of that tribunal except one, which fills with joy the heart of every true son of Virginia. The decision disposing as it does of the new fangled notions, emanating from Republican leaders and which have been gathering strength recently, to the effect that a State can be taken by the throat and strangled by order of a Federal Judge, cannot be overestimated in its importance, not only to us, but to all the people of all the States throughout our broad land. Establishing the principle, or rather rescuing from oblivion, to which they had been almost consigned by Republicans, the principles enunciated in the Eleventh Amendment to the constitution of the United States, which forbids a State to be sued in a Federal court without its consent, the decision is indeed of far reaching importance, and one in which every citizen of every State who feels an interest in the perpetuity of our institutions is deeply interested.

The main interest in that decision at present, however, attaches to Virginia. In the cases in question, the parties who attempted to coerce Virginia through the instrumentality of the Federal courts have been utterly defeated and the Supreme Court in saying as it did, that Judge Bond had no authority to entertain the suit as he did, that in restraining the officers of Virginia from performing their duties, he was acting without constitutional warrant and that in causing their arrest and imprisonment he was acting without authority and in an illegal manner, virtually decided that the holders of Virginia bonds have no remedy except in the honor and good faith of the people of the State. The settlement of the debt question, therefore, which for so long has been the disturbing element in Virginia and which demagogues have used so long to further their own selfish ends to the detriment of the great body of the people of the State, is now in the hands of her own people and the bondholders must agree to the terms of settlement which will be dictated to them by us, or take nothing. That the picture is not overdrawn of the good fortune which has at last fallen to Virginia is shown by the fact, that overtures have already been made by Mr. Royall, counsel of the bondholders. It is asked, in view of the new situation created by the court's decision, a suspension by the State of legal proceedings under the "coupon crusher" act, against persons who have tendered coupons in payment of taxes, in order that a new conference may be had to negotiate a settlement. We are indeed masters of the situation, but the obligations of the people of Virginia are not thereby lessened to their creditors every dollar can after providing for the support of the government and the various institutions, great care should be observed in making terms with the bondholders, that we do not overestimate our ability to pay and do not create obligations which cannot be met. Better terms than are provided for in the Riddleberger settlement, of course will not be offered and our revenues do not justify us in according to them so favorable terms, then let us insist upon such as we are able to pay and having bound ourselves to pay such sum, let us conscientiously discharge the obligation we impose upon ourselves.

The Fiftieth Congress of the United States met at the Capitol at Washington at noon last Monday, and proceeded to organize. In the Senate all the Senators elect were sworn in without objection except Mr. Faulkner, of West Virginia. On motion of Mr. Hear, the papers in his case were referred to the Committee on Privileges and Elections.

In the House, Mr. Carlisle was elected Speaker, and all the old officers were re-elected, except that Dr. Hurt, of Mississippi, was elected Doorkeeper, instead of Donelson, of Tennessee. The President's message was sent in last Tuesday.

The President has nominated Mr. Lamar for Justice of the Supreme Court, Mr. Vilas for Secretary of the Interior and Don M. Dickinson, of Michigan for Postmaster General.

In speaking of the presence of members of the Legislature in Richmond, the Whigs say that they are all for Hon. John S. Barbour.

Hon. R. H. Cardwell, of Hanover is the next Speaker of the House of Delegates of Virginia.

VIRGINIA WINS.

In the Habeas Corpus Cases.

WASHINGTON, Dec. 5.—A decision was rendered by the U. S. Supreme Court this afternoon in the Virginia habeas corpus cases of Attorney General Ayres and Commonwealth Attorneys Scott and McCabe, who were imprisoned by order of Judge Bond, of the United States Circuit Court, for disobedience to a restraining order forbidding them to bring suits for collection of taxes in cases where tenders have been made of tax receivable coupons cut from State bonds. This court, in a very long and elaborate opinion by Justice Matthews, holds that the suit in which Judge Bond issued the restraining order in the circuit court, although nominally a suit against individuals, is in reality a suit against the State of Virginia, and as such forbidden by the Eleventh Amendment to the Federal Constitution; that the United States circuit court had, therefore, no authority to entertain such suit; that in so doing and issuing a restraining order to prevent the officers of the State from discharging their duties under the laws of the State, Judge Bond was acting without constitutional warrant and that the restraining order and all subsequent proceedings under it including the arrest and imprisonment of the petitioners were illegal and without authority. The court, therefore, directs the petitioners, Attorney General Ayres and Commonwealth Attorneys Scott and McCabe, be at once discharged. The opinion, which is that of the whole court, with the exception of Justice Harlan, who dissents, sustains the State of Virginia at all points, and virtually declares a State as a political sovereignty cannot be sued or coerced in the Federal courts, either by an action brought against her by name or by action brought against her officers in an official capacity. The court declares the Eleventh Amendment establishes a distinction between contracts made by individuals with each other and contracts made by individuals with a State. The latter class cannot be enforced by the remedies used to enforce the former—that is, by suits in the United States courts—and they therefore are without sanction, except in so far as such sanction is given to them by the honor and good faith of the contracting State. Such State may consent to be sued in its own courts or in the Federal courts for breach of contract, but it may at any time withdraw such consent and resume its sovereignty and it cannot then be judicially coerced at the request of an individual.

Prohibition Sustained in Kansas.

WASHINGTON, Dec. 5.—A very important decision, and one likely to be far reaching in its consequences, was rendered by the United States Supreme Court today in the so-called Kansas prohibition cases of Mugler against the State of Kansas, and the State of Kansas against Ziebold and others. The judgment of the court was pronounced in a long and elaborate opinion by Mr. Justice Harlan, who said: "The general question in each case is whether the prohibition statutes of Kansas are in conflict with the clause of the fourteenth amendment which provides that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of his life, liberty or property without due process of law." That legislation by a State prohibiting the manufacture within her limits of intoxicating liquors to be there sold or bartered for general use as a beverage does not necessarily infringe any right, privilege or immunity secured by the constitution of the United States is made clear by the decisions of this court rendered before and since the adoption of the fourteenth amendment. It is, however, contended that, although the State may prohibit the manufacture of intoxicating liquors for sale or barter within her limits for general use as a beverage, no Convention or Legislature has the right under our form of government to prohibit any citizen from manufacturing for his own use or for export or storage any article of food or drink not endangering or affecting the rights of others. It will be observed that the proposition and the argument made in support of it equally concede that the right to manufacture drink for one's personal use is subject to the condition that such manufacture does not endanger or affect the rights of others. If such manufacture does prejudicially affect the rights and interests of the community, it follows, from the very premises stated by counsel, that society has the power to protect itself by legislation against the injurious consequences of that business. But by whom or by what authority is it to be determined whether the manufacture of particular articles of drink—either for general use or for the personal use of the maker—will injuriously affect the public? Power to determine such questions so as to bind all must exist somewhere, else society will be at the mercy of the few, who regarding only their own appetites of passion, may be willing to imperil the peace and security of the many, provided only they are permitted to do as they please. Under our system that power is lodged with the legislative branch of the government. It belongs to that department to exert what are known as the police powers of the State. It must determine primarily what measures are appropriate or needful for the protection of the public morals, the public health or the public safety. There is here no justification for holding that the State under the guise merely of police regulations is aiming to deprive the citizen of his constitutional rights, for we cannot shut out of view the fact, within the knowledge of all, that the public health, the public morals and the

public safety may be endangered by the general use of intoxicating drinks; nor can we ignore the fact, established by statistics accessible to every one that the disorder, pauperism and crime prevalent in the country are, in large measure, directly traceable to this evil. If, therefore, a State deems the absolute prohibition of the manufacture and the sale within her limits of intoxicating liquors for other than medical, scientific and manufacturing purposes to be necessary to the peace and security of society, the courts cannot, without usurping legislative functions, override the will of the people as thus expressed by their chosen representatives. It is easy to be seen that the entire scheme of prohibition, as embodied in the constitution and laws of Kansas, might fail if the right of each citizen to manufacture intoxicating liquors for his own use as a beverage were recognized. Such a right does not inhere in citizenship.

It is contended that as the primary and principal use of beer is as a beverage, as the breweries were erected when it was lawful to engage in the manufacture of beer for every purpose; as such establishment will become of no value as property, or, at least, will be very materially diminished in value, if not employed in the manufacture of beer for every purpose, the prohibition upon their being so employed is in effect a taking property for public use without compensation, and consequently a deprivation of property without due process of law.

"This interpretation of the fourteenth amendment is inadmissible. All property in this country is held under the implied obligation that the owners' use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of others having an equal right to the enjoyment of their property, nor injuries to the rights of the community. The power which the States unquestionably have of prohibiting such use by individuals of their property as will be prejudicial to the health, the morals or the safety of the public, is not—and, consistently with the existence of organized society, could not be—burdened with the condition that the State must compensate such individual owners for pecuniary losses they sustain by reason of their not being permitted, by a noxious use of their property, to inflict injury upon the community of which they form a part. The exercise of the police power by the destruction of property which is itself a public nuisance, or the prohibition of its use in a particular way whereby its value becomes depreciated, is very different from taking property for public use or from depriving a person of his property without due process of law. In the one case a nuisance only is abated; in the other, offending property is taken away from an innocent owner. It is true that when the defendants in these cases purchased or erected their breweries the laws of the State did not forbid the manufacture of intoxicating liquors. But the State did not thereby give any assurance or come under an obligation that its legislation upon that subject would remain unchanged.

"For the reasons stated we are of opinion that the plaintiff in error, has not been denied by the judgments of the Supreme Court of Kansas any right, privilege or immunity secured to him by the constitution of the United States, and its judgment in each case is accordingly affirmed.

Message of Governor Lee.

The message of Gov Lee of Virginia is a lengthy document. The following extracts are taken therefrom:

Opening the Governor says: "As required by law I have the honor to communicate to you the condition of the Commonwealth, and to recommend such measures as will in my opinion promote the prosperity of the State." Referring to the public debt, the message says: My executive duties began on the 1st of January, 1886. The Legislature of 1885-86 was already in session. The vexatious sore on the body politic was the public debt, and it was an ulcer, tender to the touch of citizens within and without the limits of the State. Then follows a review of the conference between the Legislative Committee and the representatives of the bond holders. According to the estimates of the Auditor, which are given in a table accompanying the message, the annual expenditures of the State will be \$2,057,119.64. The annual revenues of the State are set down at \$2,521,875.84. The interest on State bonds held by State educational institutions amounts to \$164,756.20.

In order, therefore, continues the Governor, to carry out the provisions of the Riddleberger bill, the sum of \$193,585.84 would have to be annually raised in addition to the present revenue. The Governor then gives the history of the passage of the law known as the Coupon Crusher and the recent proceedings before the United States Supreme Court. Concluding this topic, he says: In view of the recent decision of the Supreme Court it may be reasonable to suppose that the bondholders, as soon as they consider the decision, will be disposed to make a debt settlement whose obligations can be faithfully carried out without an increase of taxation. I would suggest to the General Assembly the passage of a joint resolution suspending for a reasonable time the institution of all legal proceedings under the act of May 12th, 1887—the "Coupon Crusher." I have as surances, which I deem entitled to confidence, that the course I have suggested, will be attended with results satisfactory to all concerned.

Touching the question of public schools, the Governor says: Great technical schools, with large endowments, are not within the reach of all, but by a moderate expenditure by the local authorities, elementary industrial education or

manual training can be had in the common and graded schools. He recommends an increased appropriation for the Department of Agriculture to be provided for either by a tax on fertilizers or in such other way as the General Assembly may determine. A reformatory school or industrial school for youthful criminals is recommended, and the passage of a law placing in this school all criminals under eighteen.



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Phila.	7:00 A.M.	7:50 A.M.	8:30 A.M.	9:20 A.M.
N.Y.	8:00 A.M.	8:50 A.M.	9:30 A.M.	10:20 A.M.
Delmar	9:00 A.M.	9:50 A.M.	10:30 A.M.	11:20 A.M.
Cr.	10:00 A.M.	10:50 A.M.	11:30 A.M.	12:20 P.M.
Phila.	11:00 A.M.	11:50 A.M.	12:30 P.M.	1:20 P.M.
N.Y.	12:00 P.M.	12:50 P.M.	1:30 P.M.	2:20 P.M.
Delmar	1:00 P.M.	1:50 P.M.	2:30 P.M.	3:20 P.M.
Cr.	2:00 P.M.	2:50 P.M.	3:30 P.M.	4:20 P.M.
Phila.	3:00 P.M.	3:50 P.M.	4:30 P.M.	5:20 P.M.
N.Y.	4:00 P.M.	4:50 P.M.	5:30 P.M.	6:20 P.M.
Delmar	5:00 P.M.	5:50 P.M.	6:30 P.M.	7:20 P.M.
Cr.	6:00 P.M.	6:50 P.M.	7:30 P.M.	8:20 P.M.
Phila.	7:00 P.M.	7:50 P.M.	8:30 P.M.	9:20 P.M.
N.Y.	8:00 P.M.	8:50 P.M.	9:30 P.M.	10:20 P.M.
Delmar	9:00 P.M.	9:50 P.M.	10:30 P.M.	11:20 P.M.
Cr.	10:00 P.M.	10:50 P.M.	11:30 P.M.	12:20 A.M.

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Stations	8	9	1	11
	Cr.	Phila.	N.Y.	Delmar
	Leaves	Arr.	Leaves	Arr.
Cr.	8:00 A.M.	8:50 A.M.	9:30 A.M.	10:20 A.M.
Phila.	9:00 A.M.	9:50 A.M.	10:30 A.M.	11:20 A.M.
N.Y.	10:00 A.M.	10:50 A.M.	11:30 A.M.	12:20 P.M.
Delmar	11:00 A.M.	11:50 A.M.	12:30 P.M.	1:20 P.M.
Cr.	12:00 P.M.	12:50 P.M.	1:30 P.M.	2:20 P.M.
Phila.	1:00 P.M.	1:50 P.M.	2:30 P.M.	3:20 P.M.
N.Y.	2:00 P.M.	2:50 P.M.	3:30 P.M.	4:20 P.M.
Delmar	3:00 P.M.	3:50 P.M.	4:30 P.M.	5:20 P.M.
Cr.	4:00 P.M.	4:50 P.M.	5:30 P.M.	6:20 P.M.
Phila.	5:00 P.M.	5:50 P.M.	6:30 P.M.	7:20 P.M.
N.Y.	6:00 P.M.	6:50 P.M.	7:30 P.M.	8:20 P.M.
Delmar	7:00 P.M.	7:50 P.M.	8:30 P.M.	9:20 P.M.
Cr.	8:00 P.M.	8:50 P.M.	9:30 P.M.	10:20 P.M.
Phila.	9:00 P.M.	9:50 P.M.	10:30 P.M.	11:20 P.M.
N.Y.	10:00 P.M.	10:50 P.M.	11:30 P.M.	12:20 A.M.
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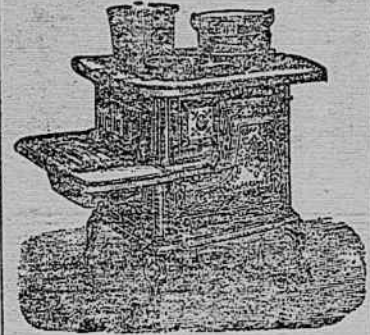
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Watches pivoted, jeweled, etc. in fact anything that your watch may require. Work done in first class style by latest improved machinery. By stock of Watches, Clocks, Jewelry, Spectacles, Etc. was never equalled on the shore. See advertisement elsewhere in this paper, or call and see for yourself.

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we offer compel us to say that no merchant carries a larger stock, of greater variety, and at lower prices, on the Eastern Shore. To enumerate them is impossible—we can only call attention to a few items in which we especially excel, such as

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Worsted, Cashmeres, Dress Cloths in all colors and from 64 cents to \$1.25 per yard.

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Salt in large quantities, Shingles at very low prices—everything almost in fact needed on farm or in house hold.

Ask when you call if you do not see what you want, and call early if you want great bargains.

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The Carolina Poplar has come to the front as one of the fastest growing shade trees known; of beautiful green foliage and symmetrical top desirable for lawn or street planting. We are prepared to fill small or large orders for all the leading old and new varieties of strawberries, also raspberries, blackberries, currants, grape vines, &c. Our stock of fruit trees are too young to offer this season, but we have arrangements with reliable nursery men, so that we can supply anything in the fruit tree line at lowest nursery prices, and can ship with our stock, thereby saving freight. All fruit trees we sell will be guaranteed true to name. We are also booking orders for cabbage plants for winter planting. The best sorts ready about Nov. 1st, at \$1.25 per thousand, 15 cents per hundred. Cold frame and hot bed plants ready about March 1st at 25 cents per hundred. Tomato plants, best sorts ready about April 15th at 25 cents per hundred. Small fruits and plants by mail a specialty. If you need anything in the nursery line, send us a list of what you want and let us price it for you. Write for catalogue and price list.

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You need not go any further to look for stove pipe and elbows, we have them all sizes. And right here we want to remind you of our No. 7 Justice cook stove with 30 pieces of trimmings for \$20; we guarantee this to be the largest and heaviest No. 7 on the market. Very best carpet warp (our own brand) at \$1.10 per yard.

Our stock of men's, youths' and boys' hats is complete, and if you price them you will buy. We are living right up to our motto that we started with, "Quick sales and small profits." Bed blankets, counterpanes, quilts and comforts dirt cheap. Maybe you think it funny for us to keep jewelry, but we have it just the same both shoddy and genuine, latest styles and lowest prices. Next week we will just give you a list of prices and let them do the talking. One thing we forgot, we will sell you an accordion for \$2 that you can't buy anywhere else for less than \$5. Still another thing we forgot to mention, breakfast shawls for 10 cents a piece. Don't take our word or anybody else's, but examine what we advertise and see the great bargains we offer.

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